IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 6023 of 1994

Between:

The Coromandal Cartons and Containers(Private)Ltd.,
rep., by it's Director Sri D.S.N. Raju,
Super twin 1&2 , Autonagar, Mindi Village,
Visakhapatnam.

..... PETITIONER

AND

1. The Asst. Commissioner of Labour (I) & the Authority Under Minimum Wages Act Office of the Deputy Commissioner of Labour,Visakhapatnam.

2. The Asst. Labour Officer,Circle-VI, Office of the Deputy Commissioner of Labour,Visakhapatnam.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a WRIT OF MANDAMUS TO declare the proceedings initiated by the 2nd respondent under sec.20 of the Minimum Wages Act on the file of the 2nd respondent as ultravires, illegal, arbitrary and beyond the scope of the Minimum Wages Act,1948 and violative of Article 14 of the Constitution of India.

Counsel for the Petitioner : MR.G.RAMA GOPAL

Counsel for the Respondents 1 & 2: The GP FOR LABOUR

The Court Made the Following :

ORDER:

1) This writ petition is filed challenging the proceedings pending before the first respondent-Assistant Commissioner of Labour(I) and the authority under payment of Minimum Wages Act, Visakhapatnam (for short "the Act"). The petitioner is a Carton manufacturing company (packages) and according to the averments made in the writ petition, the wages are being fixed by virtue of an agreement entered into between the management and the workmen under Section 12(3) of the Industrial Disputes Act, 1948. It is also his case that no minimum wages were prescribed under the provisions of the Act. However, the second respondent filed an application before the first respondent authority claiming difference of minimum wages prescribed under G.O.Ms.No.60 dated 08-04-1991 for revision of wages relating to "Printing Press, including Litho and Offset printing" and they are relatable to item No.17 of the schedule employment annexed to the Act. Aggrieved by the said action on the part of the second respondent in filing an application for difference of minimum wages before the second respondent, the present writ petition has been filed.

2) The principal contention of the learned counsel for the petitioner company is that the provisions of the Act do not cover wax-coated carton manufacturing unit and no wages have been fixed and notified under the Act. The G.O.Ms. No.60 only relates to the revision in minimum wages in respect of Printing Press including litho offset printing and therefore, the G.O is not applicable, and as such, the

application itself is misconceived and the proceedings are liable to be quashed.

3) I have heard the learned counsel appearing for the petitioner and also the learned Government Pleader.

4) It is to be noted that when the petitioner management is engaged in a carton packaging industry, to claim the difference of minimum wages, the appropriate Government has to notify the minimum wages in respect of the said industry. But, however, the claim made by the Assistant Commissioner of Labour before the authority claiming the minimum wages on the basis of the notification prescribed for printing and litho press, which is not applicable to the case of the petitioner. Under those circumstances, the authority has no jurisdiction to entertain such an application.

5) On this sole ground, without going into other aspects of the case, I am inclined to quash the proceedings pending before the first respondent in M.W.No.121 of 1993 on the file of the Assistant Commissioner of Labour-I and the authority under minimum wages act, Visakhapatnam.

Accordingly, the Writ Petition is allowed. No costs.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devider Gupta, the Chief Justice on this Thursday, The Seventeenth day of June, Two Thousand And Four.

Jsu/Ka

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Asst. Commissioner of Labour (I) & the Authority Under Minimum Wages act Office of the Deputy Commissioner of Labour, Visakhapatnam.
2. The Asst. Labour Officer,Circle-VI, Office of the Deputy Commissioner of Labour,Visakhapatnam.
3. Two CCs to the G.P. for Labour, High Court of Hydeabad, (OUT).
4. Two CD copies.